IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 2193 of 2004

Vivekanand Education Society and ors. ...

Petitioners

Versus

University of Mumbai and Ors. ...Respondents

Mr. P.K. Dhakephalkar instructed by S.K. Srivastav & Co. for the petitioners.

Mr. R.A. Rodrigues for respondent Nos. 1 and 2.

Ms. Beena Menon for respondent No.4.

Mr. R.M. Sawant for respondent No.5.

CORAM: **DALVEER BHANDARI, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **SEPTEMBER 20, 2004**.

P.C.

We have heard the learned counsel for the parties.

2. The learned counsel appearing for the University of Mumbai has placed on record letter dated 15th September, 2004, addressed to the Advocate of the University by the Vice-Chancellor of the University of Mumbai. The said letter reads as under:

> "In reply to your letter dated 11th September, 2004, I have to request you to kindly inform the Hon'ble Chief Justice's Court that I am willing to accept any suggestion made by the Hon'ble Court, to resolve the present impasse. As you are aware, as per an earlier precedent, such a penalty was quantified at Rs.5,10,500/- in the case of Mahatma Education Society's Institute of Management Studies & Research, as per the liberty granted by the Hon'ble Court.
>
> Let me clarify that in no way I meant any kind of disrespect to the directions passed by the Hon'ble Court, since during my Ag. Vice-Chancellorship, I have refrained myself from taking any decision on any subject matter pertaining to the Management Council and therefore after hearing the representatives of the Petitioners, the minutes of the meeting were immediately placed before the Management Council which had earlier passed many resolutions on this issue of penalty.
>
> You are requested to place this position for the kind consideration of he Hon'ble Court and accordingly assist in resolving this issue."

3. The learned counsel for the petitioners submits that the petitioners are also willing to pay the penalty of Rs.5,10,500/- within one week from today. The learned counsel for the University submits that if this amount is paid, no further steps will be taken against the petitioners by the University. On deposit of this amount, the petitioners would be entitled to complete the formalities of admission in accordance

with law. The petitioners would be given credit of the amount already deposited. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.